(3)

No. 03-1003

FILED
MAR 3 - 2004

In The
Supreme Court of the United States

CIGNA PROPERTY AND CASUALTY,
*Petitioner,*

v.

TERESA VILLAR RUIZ

and

ANTONIO RUIZ,
*Respondents.*

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

REPLY TO BRIEF IN OPPOSITION

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## II.
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## III.
## ARGUMENT

The Brief in Opposition does not substantiate affirmance of the lower court or denial of certiorari. Indeed, while the Brief in Opposition purports to "fully advise the Court of all the related proceedings in this matter" and alleges that the Petitioner failed to do the same, it is ironic that the Respondent goes on to wholly misstate the basis for the original proceeding in this matter. In fact, contrary to the Respondent's self-serving assertion, the original proceeding in the District Court was not for declaratory relief based on Cigna's "proposition that the Income Deduction Order violated the non-alienation provision of 33 U.S.C.A. § 916". Rather, it was an *Interpleader* action to have the *District Court* determine whether or not the State Court's Order violated 33 U.S.C.A. § 916. Perhaps this is why the Respondent later makes the incorrect conclusion that even if this Court grants the relief requested by the Petitioner, that the lower court would be compelled to enter judgment in favor of the Respondent on the merits. Certainly, while this Court left intact the Third District Court of Appeal's Decision by denying certiorari in Case No. 03-251, a conflict still exists between the Administrative Law Judge's original Order and the Order of the Third District Court of Appeals. Since this Court did not *affirm* the decision of the Third District Court of Appeal, the Interpleader claim could still be heard on the merits by the District Court to resolve the continued conflict. Therefore, the relief which Cigna is requesting is not simply "an advisory opinion", but is rather a mechanism which will finally free the District Court to consider the

Interpleader action on its merits and dispel the conflict between the rival orders, rather than taking the path of least resistance by deciding the issue on jurisdictional grounds without reaching the justicible merits.

## IV.
## CONCLUSONS

This Court must grant certiorari to review the decision of the lower Court which decided an important question of Federal law which has not been, and should be, settled by this Court. The Court would also decide an important Federal question in a way that conflicts with relevant decisions of this Court. Therefore, certiorari must be granted.

Respectfully submitted,

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